IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Assistant Commissioner for Patents
BOX PATENT APPLICATION
Washington, D.C. 20231

PRIOR APPLICATION: Examiner: not yet assigned
Group Art Unit: 1632

CONTINUATION, DIVISIONAL, AND CONTINUATION-IN-PART PATENT APPLICATION TRANSMITTAL UNDER 37 C.F.R. § 1.53(b)

This is a request for filing a patent application under 37 C.F.R. § 1.53(b).

1. This application is a **Continuation-In-Part** of PCT/US00/18410, filed July 5, 2000 and U.S. Application 09/577,623, filed May 25, 2000, both of which claim the benefit of U.S. Provisional Applications 60/142,618, 60/142,620, 60/142,621, 60/142,622, 60/142,624, 60/142,741, and 60/142,881, all filed on July 6, 1999, and of U.S. Provisional Applications 60/193,507, 60/193,508, 60/193,509, 60/193,510, and 60/194,078, all filed on April 3, 2000 of:

    Inventor(s):   Robert S. OSBAKKEN, Camarillo, CA; Mary Anne HALE, Woodland Hills, CA; Frederick T. LEIVO, Carpinteria, CA; and James D. MUNK, Camarillo, CA.

    For: AEROSOLIZED ANTI-INFECTIVES, ANTI-INFLAMMATORIES, AND DECONGESTANTS FOR THE TREATMENT OF SINUSITIS

2. The papers enclosed are as follows:

      53   Page(s) of specification including
          0   Title Page
          5   Page(s) of claims
          1   Page of abstract
      1   Sheet(s) of drawings containing 1 Figure

3. Amendments

For continuation and divisional applications:

[ ]   Cancel in this application original claims _____ in the enclosed copy of prior application before calculating the filing fee.

[ ]   A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

4.   Oath or Declaration

For continuation-in-part applications:

[ ]   A newly executed (original or copy) oath or declaration is enclosed.

[X]   An oath or declaration is not enclosed. This application is being filed under 37 C.F.R. § 1.53(f). Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the declaration and paying the filing fees.

5.   Relate Back - 35 U.S.C. § 120

[ ]   Amend the specification by inserting before the first line the sentence:

6.   Priority - foreign applications under 35 U.S.C. § 119(a)-(d) or § 365(b) or PCT international applications under 35 U.S.C. § 365(a) designating at least one country other than the U.S.

[ ]   Priority of the following foreign application(s) is/are claimed:

Country	Application No.	Filed

Certified copy(ies):   [ ] is/are attached.
                       [ ] will follow.
                       [ ] was/were filed in prior U.S. Application No. _____ on _____.

7.   Assignment

For continuation-in-part applications:

[ ]   An assignment of the invention to _____ and a PTO Form-1595, Recordation Form Cover Sheet, are enclosed.

8.   Fee Calculation (37 C.F.R. § 1.16)

CLAIMS FOR FEE CALCULATION

	Number Filed	Number Extra	at Rate of	Basic Fee Utility $710.00 Design $355.00
Total Claims (37 C.F.R. § 1.16(c))	- 20 =		$ 18.00 each =	+
Independent Claims (37 C.F.R. § 1.16(b))	- 3 =		$ 80.00 each =	+
Multiple dependent claim(s), if any (37 C.F.R. § 1.16(d))		$270.00		+
SUB-TOTAL =				
Reduction by ½ for filing by a small entity				
TOTAL FILING FEE =				

9.   Fee Payment

[X]   Not enclosed. **NO FEE IS BEING PAID BY CHECK OR DEPOSIT ACCOUNT AT THIS TIME.** This application is being filed under the provisions of 37 C.F.R. § 1.53(f). Applicants await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.

10.   [ ]   The power of attorney in the prior application is to at least one of the registered practitioners of Morgan, Lewis & Bockius LLP included in the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and all correspondence shall be addressed to that Customer Number.

Please address all correspondence to Morgan, Lewis & Bockius LLP at **Customer Number: 009629**

11.   [ ]   Recognize as associate attorney _____.
                          (name, address, and registration no.)

12.   [X]   **PETITION FOR EXTENSION OF TIME.** If any extension of time is necessary for the filing of this application, including any extension in the prior application, application no. 09/577,623, filed May 25, 2000, for the purpose of maintaining copendency between the prior application and the present application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to Deposit Account No. 50-0310.

13. [X] **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be an **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).
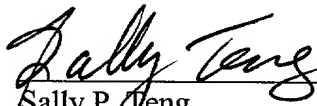
14. Additional papers enclosed:

[ ] Information Disclosure Statement
[ ] Form PTO-1449, _____ references included
[ ] Declaration of Biological Deposit
[ ] Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By: _____
Sally P. Teng
Reg. No. 45,397

Dated: August 31, 2001

Customer No. 009629
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